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THE CONSTITUTION OF EAST FLORIDA

PREAMBLE

The people of the province of East Florida had lived for years under a Bondage almost insupportable and though many of them had felt, and all of them witnessed the happiness which their Neighbours divided from them only by the river St. Marys experienced, they remained in this abject state sensible of their situation untill they discovered that new attempts were made to oppress and degrade them.

It might have been expected that a people who neither Idolized their priest nor could think it an honour to lick the dust from the feet of their oppressors, but who knew, that man in whatever garment he might be clothed, to whatever power he might be elevated, was like themselves, liable to all the imperfections and weaknesses of our common Nature, with probably a larger proportion of its vices, would have been the first in the Spanish Territories to have declared themselves FREE and INDEPENDANT. They saw however their Brethren of the south seize this honour and with the liveliest sympathy wished them every success - Aware of the danger ever attendent on resolutions it was not untill after mature deliberation that the people of East Florida took up arms against a Government whose Territorys in both Hemispheres were divided, conquered or revolutionized and which could no longer afford protection without which allegiance cannot be claimed - without enumerating the many impolitic and oppressive laws and acts of the Spanish Government which the unhappy man liveing under it only can be familiar with and which our Tyrants the one in the character of Governor with brutal violence, and the other in that of Judge with the most shocking corruption,

latterly enforced upon us, we have discovered in order that our degradation might be complete, that we have beem offered with our Country for sale to boath the great Belligerents of Europe –

Patience and submission yielded to the duties we owed ourselves and our posterity, we declared ourselves Free and Independent and we have driven our oppressors with their mercinaries within the walls of the Theatre of their vile acts and over the dungeons of their wretched victims – We acknowledge with greatful hearts the goodness of the great Legislature of the universe, for the mercies already aforded us, and we hope through his providence shortly to become a Territory of the United States, but untill it can be our pride and boast to feel that we are Citizens of a Territory of the United States and under rules and regulations of that Government it becomes highly necessary that a Government should be established in this province to prevent anarchy and Confusion, therefore we the delegates of the freemen of East Florida chosen and assembled for the express purpose od framing a Constitution under the Authority of the people, do declare that a government for this Territory shall be established in manner and form following – TO WIT –

ARTICLE 1st

1st The Executive, Legislative, and Judiciary departments, shall be seperate and distinct, so that neither exercise the powers of the other, nor shall any person exercise the powers of more than one of them at the same time except that the Judges of the inferior Courts and Justices of the Districts shall be eligible to the Legislative Council

2d The Legislative Authority shall be composed of fifteen Members and be called the Legislative Council of East Florida.

3d The members of the Legislative Council shall be elected by the inhabitants of this Territory as pointed out by this Constitution, and shall exist untill the Territory shall be received by the United States, and become subject to the Laws thereof and other officers in manner and form of other Territories of the United States.

4th Every free white man of Twenty one Years of age and every Soldier who has taken an active part in our revolution and shall have been a resident in the Territory one year previous to the first day of April last and will swear or Affirm that he considered E. Florida his only and actual place of residence at the Commencement of the Revolution shall be duly qualified to Vote agreeable to this constitution for the Legislative Council and director.

5th All Volunteers who may have been engaged in the revolution with the people of East Florida, shall at the fall or surrender of St. Augustine be entitled to all the priviledges of free Citizens of the Territory.

6th The Territory of East Florida shall be divided into two Districts to be known by the Appellation of the North and South Districts, the Nausaw river shall be the dividing line commencing at the mouth of sd River, & continuing up its stream according to the antient Boundary, the North District to send eight Members, and the south District to send seven Members.

7th No person shall be eligible to a seat in the council unless he is a free white man of the age of Twenty one years and hath been a former subject of this Territory or hath been an actual resident in the Country one year previous to the first of April last and

considered himself an Actual resident before the revolution, nor unless he be legally seized and possessed in his own right of a freehold estate or of personal property of the Value of one Thousand Dollars –

8 The Legislative Council shall be chosen at or near the five mile house on the Twenty Fifth of July and shall assemble on the Twenty seventh at Zephaniahs Kingsleys Plantation on the west side of S.t John river and at such other times and places as they may think necessary, and not less than two thirds of the Legislative Council shall constitute a quorum for doing business – but a less number may attend and adjourn from day to day and compell the attendance of absent members –

9th No Bill or resolve of the council shall become a Law and have force as such untill it shall have been laid before the director for his revisal and if upon such revision approve thereof he shall signify his approbation by signing the same but if he have any objection to the passing of such Bill or resolve he shall return the same together with his objections thereto in writing to the Council who shall enter the objections made by the director on the records & proceed to reconsider the s.d Bill or resolution, But if after such reconsideration two thirds of the Council present shall notwithstanding said objections agree to pass the same, it shall have the force of Law.

10th The Council shall have full power and authority to erect and constitute Judicatures and Courts of record or other Courts to be held in the name of the Territory for the hearing trying and determining all manner of crimes, offences, pleas, processes, plaints, actions, matters and things whatever arising or happening without the Territory or

between or concerning persons inhabiting residing or brought within the same, whether the same be criminal or civil, and whether the said pleas be real, personal or mixed, and for the awarding and making out Execution thereupon to which Courts and Judicatures are hereby given and granted full power and Authority from time to time to administer Oaths or affirmations for the better discovery of truth in any matter in controversy or depending before them.

11th And further, full power and authority is hereby given and granted to the Legislative Council from time to time to make ordain and establish all manner of wholesome and reasonable, orders, Laws, Statues and ordinances, directions and instructions either with penalty or without (so as the same be not repugnant to this Constitution) as they shall judge to be for the welfare and happiness of this Territory and for the Government and ordering thereof - the subjects of the same, and for the necessary support and defence of the Government thereof and to name and appoint as is hereafter provided for all civil and Military Officers of this Territory, and the forms of such Oaths or affirmations as may respectfully be administered unto them for the execution of their several offices and places, so as the same be not repugnant to the Constitution of this Territory and to impose and levy proportioned and reasonable assessments rates and taxes upon all the inhabitants of and persons resident within the said Territory and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatever brought into, produced, manufactured or being within the same, to be issued and disposed of by warrants under the hand of the Director of this

Territory with the advice and consent of the Legislative Council, for the publick service, in the necessary defence and support of the said Territory and the Protection and preservation of the Citizens thereof according to such acts as are, and shall be in force within the same –

12th The Legislative Council shall be a court with full Authority to hear and determine all impeachments made by the petition of any fifty of the people of the Territory against any Officer or Officers of this Territory for misconduct or maladministration in their office But previous to every impeachment the members of the council shall respectfully be sworn truly and impartially to try and determine the charge in question acording to evidence, Their Judgement however which must at least Consist of Two thirds of the members present shall not extend further than removal from office under this Territory but the party so convicted shall be nevertheless liable to indictments, tryal, Judgement, and punishment according to the Laws of this Territory or those of the United States.

13th The Legislative Council shall appoint a President from their own body and shall judge of the Elections, returns and qualifications of its own Members, and may determine the rules of their own proceedings, punish their members for disorderly conduct, and with the consent of two thirds of the members present expell a Member

14th The members of the Legislative Council shall take the following oath, I do solemnly swear that I will give my Vote on all questions that may come before me as a representative of the people in such a manner as

in my Judgment may best promote the good of this Territory and that I will bear true faith & allegiance to the same, and to the utmost of my power observe, support and defend the same —

15th All officers immediately attached to the Government of the Territory, as Secretary, Treasurer &c and all officers attached to the judiciary as Judges of the Superior and Inferior Courts, Justices of the peace, attorney General, Sheriff and Coroner and all military officers, but Captains and Subaltrens shall be chosen by the Legislative Council with the consent of the Director – But should the Director dissent to any such appointment it shall nevertheless be confirm'd by the concurance of two thirds of the Members present.

ARTICLE 2d.

1 The Executive of the Territory of East Florida shall be vested in a Director who shall hold his office untill this Country is received by the United States and become subject to her laws and regulations, he shall be elected by a majority of the voters present, and at the same time and in the same manner, as the Legislative Council, and should no person have a majority of the voters present, the Legislative Council shall have full power to elect him by Ballot provided that he is not a member of their own body –

2d. No person shall be eligible to the office of Director who shall not have borne an active part in the revolution of this Territory and who hath not attained to the age of Thirty years and who does at this time possess five hundred acres of Land in his own right within

the Territory and other species of property to the amount of fifteen hundred Dollars

3d In case of Death, resignation, Disability or necessary absence of the Director, the President of the Legislative Council shall exercise the Executive powers of Government untill such disability or necessary absence be removed –

4th He shall be Commander in Chief in and over the Territory of East Florida, and the Militia thereof, He shall have power to grant reprives for offences against the Territory except in Cases of impeachment and to Grant pardons in all cases after conviction except for Treason or murder in which case he may respite the execution and make a report thereof to the Legislative Council by whom a pardon may be Granted–

5th He shall issue Writs of Election to fill all Vacancies that may happen in the Legislative Council and shall have power to convene the Legislative Council on extraordinary occasions and shall give them from time to time information of the state of the Territory and recommend to their Consideration such measures as he may deem necessary and expedient –

6th He shall have the revission of all bills, resolves and appointments passed by the Legislative Council before the same be valid or becomes a Law, but two thirds of the Legislative Council present may pass a Law or make an appointment notwithstanding his dissent or should he not inform the Legislative Council within three days after the same shall be presented to him the same shall be considered valid as if it had received his signature –

7th The Great Seal of the Territory shall be deposited in the office of

Secretary and it shall not be afixed to any instruments of writing without it be by order of the Director and Legislative Council -

8th All persons who shall be chosen or appointed to any office of Trust before entering on the execution thereof shall take the following oath or affirmation - I do solemnly swear or affirm, as the case may be, that I will to the best of my abilities discharge the duties of the office to which I am appointed, and preserve, protect and defend the Constitution of this Territory -

9th The Tryal by Jury and the freedom of the press shall be held invielate -

10th. All persons shall be entitled to the benefit of the writ of Habeas Corpus.

(On Reverse)

Copy

Constitution of East Florida adopted by the Revolutionists of 1812.

(Foreign affairs)

(Original on file in Georgia Department of Archives)